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2 UNITED STATES DISTRICT COURT  
3 WESTERN DISTRICT OF WASHINGTON  
4 AT TACOMA

5 UNITED STATES OF AMERICA, ) Case No.: CR13-5308BHS  
6 )  
7 Plaintiff, )  
8 vs. )  
9 ) AGREED ORDER POSTPONING TRIAL  
10 ) UNTIL WEDNESDAY, OCTOBER 9,  
11 RAY EUGENE CALDWELL, ) 2013  
12 )  
13 Defendant. )  
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9 Before this Court is a stipulated motion to postpone the trial in the above captioned matter  
10 to Wednesday, October 9, 2013. The government stipulating to said postponement, the Court  
11 finds, after a consideration of all relevant information and the circumstances of this case, that  
12 without this postponement the defendant will be prejudiced and the ability to properly prepare for  
13 trial would be impaired. Failure to grant a postponement under these circumstances would result  
14 in a miscarriage of justice. The ends of justice would best be served by the granting of the motion  
15 for postponement. The ends of justice outweigh the best interests of the public and the defendant  
16 in having the matter continue sooner. For these reasons, the Court finds the stipulated motion for  
17 postponement should be granted. The trial is hereby postponed. Trial shall resume on  
18 Wednesday, October 9, 2013 at 9:00 a.m.

21 IT IS SO ORDERED.

22 DONE COURT this 30<sup>th</sup> day of September, 2013.

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BENJAMIN H. SETTLE  
United States District Judge

1 Presented by:

2 HESTER LAW GROUP, INC., P.S.  
3 Attorneys for Defendant

4 /s/ *Wayne C. Fricke*

5 By: \_\_\_\_\_  
6 Wayne C. Fricke  
7 WSB #16550

8 U.S. ATTORNEY'S OFFICE

9 *Approved Via E-Mail: 9/30/2013*

10 By: \_\_\_\_\_  
11 James D. Oesterle  
12 Assistant U.S. Attorney

13 CERTIFICATE OF SERVICE

14 I hereby certify that on September 30<sup>th</sup>, 2013, I electronically filed the foregoing Agreed  
15 Order Postponing Trial with the Clerk of the Court using the CM/ECF system which will send  
16 notification of such filing to the following:

17 James D. Oesterle  
18 Assistant U.S. Attorney  
19 700 Stewart Street, Suite 5220  
20 Seattle, WA 98101

21 I hereby certify that on September 30<sup>th</sup>, 2013, I e-mailed the Agreed Order Postponing  
22 Trial to the following:

23 Ray E. Caldwell  
24 2446 Mulberry Ave.  
25 Longview, WA 98632

26 DATED this 30<sup>th</sup> day of September, 2013.

27 /s/ *Sarah M. Heckman*

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Sarah M. Heckman